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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT OF ARIZONA
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9 David Edward Davis,
10 Petitioner,
11 v.
12 Ryan Thornell, Attorney General of the State
13 of Arizona,
14 Respondents.

No. CV-23-00925-PHX-GMS (CDB)

ORDER

14 Pending before the Court is the Report and Recommendation (“R&R”) of
15 Magistrate Judge Camille D. Bibles (Doc. 13) regarding Petitioner’s Petition for Writ of
16 Habeas Corpus filed pursuant to 28 U.S.C. § 2254 (Doc. 1) and Petitioner’s April 8, 2024
17 filing entitled, “Report and Recommendation (Response/Continuance)” that the Court
18 construes as a Motion for Extension of Time to File Objections to the Report and
19 Recommendation (Doc. 15).

20 In the absence of good cause or any explanation as to why the complained of
21 conduct prevented Petitioner from timely filing his objections, and because the request for
22 extension was filed after the time for objections, Petitioner’s Motion for an Extension (Doc.
23 15) will be denied.

24 The R&R recommends that the Petition be denied. The Magistrate Judge advised
25 the parties that they had fourteen days to file objections to the R&R. (R&R at 12 (citing
26 Fed. R. Civ. P. 72(b); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003)
27 (*en banc*)). No objections were filed.

1 Because the parties did not file timely objections, the court need not review any of
2 the Magistrate Judge’s determinations on dispositive matters. See 28 U.S.C. § 636(b)(1);
3 Fed. R. Civ. P. 72(b); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003);
4 *Thomas v. Arn*, 474 U.S. 140, 149 (1985) (“[Section 636(b)(1)] does not . . . require any
5 review at all . . . of any issue that is not the subject of an objection.”). The absence of a
6 timely objection also means that error may not be assigned on appeal to any defect in the
7 rulings of the Magistrate Judge on any non-dispositive matters. Fed. R. Civ. P. 72(a) (“A
8 party may serve and file objections to the order within 14 days after being served with a
9 copy [of the magistrate’s order]. A party may not assign as error a defect in the order not
10 timely objected to.”); *Simpson v. Lear Astronics Corp.*, 77 F.3d 1170, 1174 (9th Cir. 1996);
11 *Phillips v. GMC*, 289 F.3d 1117, 1120-21 (9th Cir. 2002).

12 The court will accept the R&R and dismiss the Petition. *See* 28 U.S.C. § 636(b)(1)
13 (stating that the district court “may accept, reject, or modify, in whole or in part, the
14 findings or recommendations made by the magistrate”).

15 IT IS ORDERED denying Petitioner's Motion for Extension of Time (Doc. 15)

16 **IT IS FURTHER ORDERED** that the Report and Recommendation of the
17 Magistrate Judge (Doc.13) is accepted.

18 **IT IS FURTHER ORDERED** that the Clerk of the Court enter judgment denying
19 and dismissing Petitioner's Petition for Writ of Habeas Corpus filed pursuant to 28 U.S.C.
20 § 2254 (Doc. 1) with prejudice. The Clerk shall terminate this action.

21 The Certificate of Appealability is denied because Petitioner has not made a
22 substantial showing of the denial of a constitutional right.

23 || Dated this 11th day of April, 2024.

G. Murray Snow
G. Murray Snow
Chief United States District Judge